

Union Calendar No. 150

105TH CONGRESS
1ST Session

H. R. 1948

[Report No. 105-261]

A BILL

To provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

SEPTEMBER 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 17, 1997]

A BILL

To provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Hood Bay Land*
5 *Exchange Act of 1997”.*

1 **SEC. 2. FINDINGS.**

2 *The Congress makes the following findings:*

3 *(1) The Alaska National Interest Lands Con-*
4 *servation Act established the Admiralty Island Na-*
5 *tional Monument which is managed by the Secretary*
6 *of Agriculture, by and through the Forest Service.*

7 *(2) The Forest Service has established a policy of*
8 *encouraging the acquisition of private land*
9 *inholdings within Admiralty Island National Monu-*
10 *ment on a willing buyer/willing seller basis. Congress*
11 *has supported this policy, for example by passage of*
12 *the Greens Creek Land Exchange Act of 1996 which*
13 *provided for a land exchange of certain public and*
14 *private lands in Admiralty Island National Monu-*
15 *ment.*

16 *(3) Lands owned by Alaska Pulp Corporation,*
17 *consisting of 54 acres, more or less, located in Hood*
18 *Bay on Admiralty Island within the boundaries of*
19 *the Kootznoowoo Wilderness are available for transfer*
20 *to Federal ownership on a willing seller/willing buyer*
21 *basis. The acquisition of these lands would provide*
22 *Federal ownership of this valuable land in a critical*
23 *area of Admiralty Island National Monument.*

24 *(4) The United States is the owner of certain re-*
25 *versionary interests to 143.87 acres, more or less, lo-*
26 *cated adjacent to Silver Bay near Sitka, Alaska,*

1 *which interests were reserved in patent No. 1213671*
2 *issued to the Alaska Pulp Corporation on October 18,*
3 *1960. The transfer of the reversionary interests of the*
4 *United States in such lands adjacent to Silver Bay*
5 *to the Alaska Pulp Corporation would facilitate fu-*
6 *ture use and development of that land.*

7 *(5) The future acquisition by the United States*
8 *of the Chaik Bay property on Admiralty Island to be*
9 *incorporated into the Kootznoowoo Wilderness would*
10 *be in the public interest.*

11 **SEC. 3. DEFINITIONS.**

12 *As used in this Act:*

13 *(1) The term “ANILCA” means the Alaska Na-*
14 *tional Interest Lands Conservation Act (16 U.S.C.*
15 *3101 et seq.).*

16 *(2) The term “Company” means the Alaska Pulp*
17 *Corporation, an Alaska corporation, its successors,*
18 *and assigns.*

19 *(3) The term “Company Property” means the*
20 *property depicted on United States Survey Plat 1058*
21 *approved March 20, 1917, consisting of approxi-*
22 *mately 54 acres of land.*

23 *(4) The term “Federal Property” means the re-*
24 *versionary interest of the United States described in*
25 *paragraphs (6) and (7) of the patent dated October*

1 18, 1960, granted by the Bureau of Land Manage-
 2 ment to Alaska Lumber & Pulp Co., which was re-
 3 corded at Book 15, Pages 271–273, Sitka Recording
 4 District on November 9, 1960. The term “Federal
 5 Property” does not include the interests described in
 6 paragraphs (1) through (5) of the said patent.

7 (5) The term “Monument” means the Admiralty
 8 Island National Monument, which was established by
 9 section 503 of ANILCA and which is managed by the
 10 Secretary of Agriculture as a unit of the National
 11 Forest System.

12 (6) The term “Secretary” means the Secretary of
 13 Agriculture.

14 (7) The term “Sitka” means the city and bor-
 15 ough of Sitka, Alaska, a home-rule borough formed in
 16 accordance with the laws of the State of Alaska.

17 (8) The term “Sitka Property” means the prop-
 18 erty depicted on the map entitled “Sitka Lands”,
 19 dated August , 1997, consisting of approxi-
 20 mately 49 acres of land.

21 **SEC. 4. LAND EXCHANGE, TRANSFER, RELINQUISHMENT.**

22 (a) *EXCHANGE OF COMPANY AND FEDERAL PROP-*
 23 *ERTY.*—After the Company conveys to the United States,
 24 by general warranty deed, all right, title, and interest of
 25 the Company in and to the Company Property, the Sec-

1 *retary shall within 60 days of acceptance of delivery of said*
 2 *deed, unconditionally and without limitation except as pro-*
 3 *vided herein, relinquish to the Company all right, title, and*
 4 *interest of the United States in and to the Federal Property*
 5 *and shall evidence that relinquishment by conveying to the*
 6 *Company a quitclaim deed to the Federal Property.*

7 *(b) RELINQUISHMENT OF PROPERTY TO SITKA.—*
 8 *Upon relinquishment of the Federal Property to the Com-*
 9 *pany under subsection (a), the Company shall transfer all*
 10 *right, title, and interest of the Company in the Sitka Prop-*
 11 *erty to Sitka.*

12 *(c) AVAILABILITY OF MAPS.—The map referred to in*
 13 *section 3(8) depicting the Sitka Property shall be on file*
 14 *and available for public inspection in the office of the Man-*
 15 *ager of the City and Borough of Sitka until the conveyance*
 16 *described in subsection (b), at which time the map shall*
 17 *be recorded along with the deed.*

18 **SEC. 5. PROCESSING OF AND TERMS AND CONDITIONS RE-**
 19 **LATING TO LAND EXCHANGE.**

20 *(a) SURVEYS.—Notwithstanding any other provision*
 21 *of law, the Secretary of the Interior may conduct and ap-*
 22 *prove all cadastral surveys that are necessary for comple-*
 23 *tion of the exchange. The cost of any surveys shall be borne*
 24 *by the Company.*

1 (b) *EQUAL VALUE EXCHANGE.*—*The values of the Fed-*
 2 *eral Property and the Company Property are deemed to*
 3 *be of equal value.*

4 (c) *ADMINISTRATION.*—*The Secretary is directed to*
 5 *implement and administer the rights and obligations of the*
 6 *United States under this Act.*

7 (d) *CLEANUP OBLIGATIONS.*—*Nothing in this Act shall*
 8 *impact or alter the Company's rights, duties, and obliga-*
 9 *tions regarding investigation, remediation, cleanup, and*
 10 *restoration under its September 10, 1995, Commitment*
 11 *Agreement with the State of Alaska or other applicable law.*
 12 *The Company shall utilize its property consistent with that*
 13 *restrictive covenant recorded on September , 1997.*

14 (e) *TITLE STANDARDS.*—*Title to the Company Prop-*
 15 *erty to be conveyed to the United States shall be acceptable*
 16 *to the Secretary consistent with the title review standard*
 17 *of the Attorney General of the United States.*

18 **SEC. 6. GENERAL PROVISIONS.**

19 (a) *MANAGEMENT OF COMPANY PROPERTY.*—*Upon ac-*
 20 *quisition of the Company Property by the United States*
 21 *pursuant to this Act, said property shall be managed as*
 22 *a part of the Admiralty Island National Monument and*
 23 *the Kootznoowoo Wilderness.*

24 (b) *AUTHORIZATION TO NEGOTIATE FOR ACQUISITION*
 25 *OF PROPERTY.*—*In furtherance of the purposes of the*

1 *Kootznoowoo Wilderness, the Secretary, acting through the*
2 *Forest Service, is authorized to enter into negotiations with*
3 *the owners of private property in Chaik Bay on Admiralty*
4 *Island, with the objective of acquiring such property. The*
5 *Secretary is authorized to enter into an option to purchase*
6 *or an exchange agreement with the owners of such property*
7 *to be effected either through existing administrative mecha-*
8 *nisms provided by law and regulation, or by subsequent*
9 *ratification by Act of Congress.*